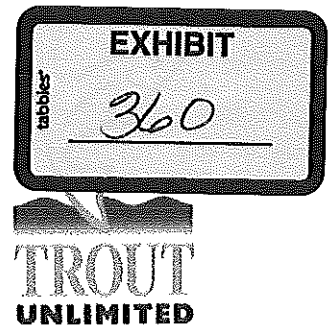


Mr. Paul E. Stacey
Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Planning and Standards Division
79 Elm Street
Hartford, CT 06106-5127



Testimony in support of the Proposed Stream Flow Standards and Regulations

Mr. Stacey,

My name is Richard O'Neill, I reside in Ridgefield, CT, and I am the President of the Mianus Chapter of Trout Unlimited, I am writing today to express my support for the Proposed Stream Flow Standards and Regulations and to commend the DEP for the magnificent balancing act the revised stream flow regulations represent.

Our chapter represents 500 members living in the towns of Greenwich, Stamford, Darien, New Canaan, Ridgefield, Wilton and Norwalk. The Chapter has been quite active in working to preserve, protect and restore the coldwater habitat of our local rivers and streams, particularly the Norwalk and Mianus Rivers.

Some of our major restoration efforts have taken place on the Norwalk River where, over the past ten plus years, we have completed projects with a value of more than \$500,000. These efforts involved thousands of hours of volunteer labor from our members and friends of members. The DEP has been instrumental in providing guidance for our work and we look forward to working with your Department on future projects.

The proposed regulations are sorely needed because the existing regulations are outdated, ineffective and only cover streams and rivers stocked by the State. They overlook entirely many streams where native and wild trout have survived but are threatened due to continued development and degradation.

Unnaturally low water flows, even of short duration, can devastate a wild trout population and cause irreversible decimation of wild fish numbers. The state of Connecticut used to contain hundreds of brooks and streams that harbored healthy populations of native brook trout but only a small portion of viable waters remain in the State. I view the protection of these remaining viable waters to be one of the important responsibilities of the DEP.

Unfortunately, water retention and diversion has led to significant changes in the natural flows of our state's rivers and streams. The low flow periods now last longer and reach lower levels than ever before and bring with them higher and higher water temperatures.

The proposed regulations are vital to protecting our rivers and streams.

The importance of the Proposed Stream Flow Standards and Regulations, and the impact they will have of improving the quality of one of our state's most precious natural resources, cannot be emphasized enough. Water in Connecticut is a public resource, held in trust for the benefit of all the citizens of the state, and protected and preserved for a wide range of uses. The regulations will help to ensure that water companies and other industries, who answer primarily to their stockholders, will not dominate water policy.

With a significant amount of rainfall each year, Connecticut has abundant water resources. There is a more than adequate supply of water to meet all the seemingly conflicting needs, if managed correctly, and these regulations will help lead the way to improved water management in the State.

The proposed regulations will go a long way toward protecting the fragile ecology of our rivers and streams. These regulations are the only way to ensure consistent stream flows that protect against unnaturally low flow levels. This protection is critical to the survival of trout and other species.

Ever-increasing development throughout our watersheds and along our watercourses has added greatly to non-point source pollution, unnatural temperature variances, increased groundwater withdrawals and more. The proposed regulations rightly include standards for groundwater withdrawal. Since many of our suburban and rural residents depend on groundwater for drinking and household purposes, during low water periods there is enormous pressure on groundwater reserves. Left unregulated, excessive groundwater withdrawals during these periods can devastate the remaining rivers and streams which support wild trout populations.

The implementation process and provisions in the proposed regulations are well detailed and more than reasonable. While the proposed regulations require significant changes to the management of Connecticut's water resources, they will be phased in over a lengthy time period so as to limit the operational and financial challenges of compliance.

This classification process, which would be conducted over the first five years of the regulation period will provide ample opportunity for public discourse and input. Stakeholders in each of the state's five major watersheds will have adequate time to work with state staff to determine the proper classification of individual rivers and streams.

There is a petition process in the regulations to allow for review and possible changes to individual classifications. This flexibility provides adequate recourse for those involved in the consumptive use of Connecticut's water resources while also ensuring the ecological needs and recreational uses of the rivers and streams are protected.

The proposed regulations also provide a specific mechanism for individualized flow management plans to be created for any of the state's river systems. Such individualized plans provide additional flexibility to those involved in consumptive water use to work with local stakeholders to strike a balance between water availability for human use and improved stream flows for ecological needs.

Additionally, the exemptions in the proposed regulations and the provisions on the public's right to water in case of drought or other emergency, provide assurance that the regulations do not arbitrarily ignore compelling human needs.

The proposed regulations have not addressed some important considerations. While the proposed regulations make great strides in accomplishing the goals and intent of the enacted legislation, there are a few other important issues that I would ask the DEP to consider.

When it comes to groundwater withdrawals, the proposed regulations should ensure that such withdrawals do not result in drastic flow reductions in nearby streams, or even worse, the complete drying out of a streambed. At the lowest flow periods, when the stress is greatest on trout and other aquatic life, cutting back on groundwater withdrawals which would impact stream flows is essential and should be included in the regulations.

The limited protections currently included in the proposed regulations for Class 4 waters, may cause irreparable harm and preclude future rehabilitation even if the desire, will, financing and technology were available to do so. The Class 4 designations should include minimum flow standards that, at least, protect existing ecological conditions and aquatic life.

There is no collective compliance requirement as it relates to exempt withdrawals of 50,000 gallons or less in a 24 hour period. Multiple smaller withdrawals could lead to stream flow levels so unnaturally low that all aquatic life could be endangered.

The wording in the petition process should be strengthened to discourage petitions requesting downgrading of classifications for less than extremely important needs. The wording in the petition process to change a classification from a less altered to a more altered classification could be strengthened by adding the word "compelling" before "legitimate" in (B)(i), before "social" in (D)(i), and before "economic" in (D)(i).

In conclusion, I believe that the drafters of the proposed regulations have done an outstanding job in balancing the needs of all the interest groups and your efforts should be supported.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard O'Neill", written in dark ink.

Richard O'Neill
President

Mianus Chapter of Trout Unlimited
90 Branchville Road
Ridgefield, CT 06877